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## **AFFIDAVIT**

I, Adam Lane, a Special Agent (SA) of the Bureau of Alcohol, Tobacco, Firearms and Explosives, hereinafter referred to as Affiant, being duly sworn under oath, hereby depose and state as follows:

### **INTRODUCTION AND BACKGROUND**

1. Your Affiant is a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”), United States Department of Justice, and has been so employed since August of 2018. Prior to becoming a Special Agent with ATF, your Affiant was a Special Agent and Trainee with the United States Secret Service from October 2017 through August 2018. Your Affiant was also a St. Louis County Police Officer from December 2007 to October 2017. Your Affiant has completed the St. Louis County Police and Municipal Academy, the Federal Criminal Investigator Training Program, the United States Secret Service Special Agent Basic Training Academy in Beltsville Maryland, and the ATF Special Agent Basic Training at the Federal Law Enforcement Training Center in Glynco, Georgia. In addition to the firearms, arson, and explosives related training received in these courses, your Affiant has also conducted and participated in numerous investigations involving firearms, firearms trafficking, and the sale of illegal narcotics.

### **PURPOSE OF AFFIDAVIT**

2. This affidavit is submitted for the limited purpose of establishing probable cause that John W. GAINES III has violated Title 18 U.S.C. §922(g)(1) [felon in possession of a firearm and/or ammunition] and Title 21 U.S.C. § 841(a)(1) [possession of a controlled substance with intent to distribute], therefore contains only a summary of

the relevant facts. I have not included each and every fact that I, or others, have learned during the course of this investigation. The information set forth in this affidavit is based on my own participation in the investigation, information I have received from other law enforcement officials, and from my, and other agent's analysis of documents and records relating to this investigation. As one of the case agents on this investigation, I am familiar with the investigative efforts of other Agents/Detectives who have worked on this investigation. Further, I am familiar with the evidence gathered and provided to myself and other agents by cooperating individual(s). I respectfully submit that probable cause exists that evidence of the following violations, 18 U.S.C. § 922 (g)(1)(Felon in Possession of a Firearm), and 21 U.S.C. § 841 (a)(1) (possession with the intent to distribute a controlled substance) have been committed by John W. GAINES III.

#### **PROBABLE CAUSE**

3. On January 25, 2020, North Royalton Police officers Trzaska and Canda responded to 8333 Abbey Road in the City of North Royalton, Ohio for a report of a series of burglaries. Through interviews with victim(s) on scene officers Trzaska and Canda determined that multiple firearms were stolen from the above residence. The North Royalton Police Department's investigation identified Glenn Mayer Jr. ("Mayer") as a suspect in the theft of the firearms. Mayer was subsequently arrested and confessed to stealing the firearms from the residence.
4. On February 4 and 5, 2020, Your Affiant interviewed Mayer at the Cuyahoga County Jail. Mayer advised Your Affiant that he had stolen multiple firearms from December 2019 to January 2020, during the burglaries described above in paragraph 3. Mayer

- stated he traded/sold the firearms to John GAINES III (“GAINES”), a multi-convicted felon, for a combination of money and illegal narcotics. Through research, Your Affiant has determined that GAINES has multiple, prior convictions that prohibit him from possessing a firearm pursuant to Title 18, § 922(g) of the United States Code. Those convictions include: Drug Trafficking, a third-degree felony, Cuyahoga County Case No. CR-09-521310, August 4, 2009; and Drug Trafficking, a fourth-degree felony, Cuyahoga County Case No. CR-07-497139, July 17, 2007.
5. During the February 4 and 5, 2020 interviews, Mayer further stated he (Mayer) used multiple different types of illegal narcotics, including MDMA, heroin, and cocaine, among others. Mayer stated a majority of the firearms and/or narcotics transactions took place in GAINES’ residence at 13506 Casper Road (down) in the City of Cleveland Ohio. Mayer indicated that the last time he traded/sold a firearm to GAINES was at this residence on January 25, 2020. Mayer stated he had known GAINES for several years. Mayer was shown a photograph of GAINES, who he positively identified as the person he transferred the firearms in exchange for cash or narcotics.
  6. During the February 4 and 5, 2020 interviews, Mayer was also shown a photograph of 13506 Casper Road and verified this was the location where GAINES resided and where a majority of the firearms transfers took place. Mayer believed that most of the firearms transferred to GAINES remained at GAINES’ residence. In particular, GAINES texted Mayer on January 20, 2020, stating, “I like collecting them [firearms] but I can’t go to the store myself we have to get a schedule my real cash come (sic) every Thursday and I’ll get everything u (sic) bring.” Further, Mayer told Your

Affiant that he had recently provided approximately nine firearms to GAINES and GAINES told Mayer that he (GAINES) “keeps the good ones [firearms] for himself.” Mayer further stated that he believed that GAINES presently possesses an AR-15 style rifle based on his conversations with GAINES. After Mayer sold GAINES a stolen Taurus Model 1911 .45 caliber pistol, Mayer saw GAINES in possession of said 1911 pistol in his waistband and heard GAINES say that “I always carry this one around.”

7. On February 4, 2020, Mayer provided written consent to Your Affiant and other ATF agents to review the contents of his cellular telephone. Your Affiant has reviewed the numerous text messages between Mayer and GAINES that corroborated his interview statements set forth above. Those messages confirm that GAINES received various firearms in exchange for providing cash and narcotics to Mayer. Mayer verified these photographs on his cellular phone were firearms he had stolen. Multiple text messages detailed some of the transfer of said firearms from Mayer to GAINES. Further, several photographic messages from/to GAINES from/to Mayer showed illegal narcotics.
8. Through Your Affiant’s training and experience, narcotics such as MDMA, cocaine, heroin, and other illegal narcotics are not manufactured domestically and generally arrive from a supply country. Thus, the aforementioned narcotics must have traveled in interstate commerce to be found in the state of Ohio.
9. On February 5, 2020, Special Agent Joshua Snyder in an undercover capacity made a recorded phone call to cellular phone number 216-551-4897, which Mayer had previously identified as GAINES’ cellular telephone number. There was no answer to

the call, however while in the voicemail SA Snyder received a phone call from 216-551-4897. The individual who called back identified himself as John GAINES, III. The individual identified as GAINES went on to verify that he was a “III”. SA Snyder requested the individual confirm the spelling of their last name. The individual GAINES responded with “G-A-I-N-E-S”.

10. On February 6, 2020, Cleveland Police Detective Donald Kopchak (ATF Task Force Officer) requested a 5<sup>th</sup> District Zone car to knock on the door of 13506 Casper Road (down) in an effort to ascertain the identity of the resident(s). A female answered the door of the residence and confirmed GAINES resided there and was currently at work.

11. On February 11, 2020, ATF agents executed a judicially authorized search warrant and entered onto the residence located at 13506 Casper Road (Down), Cleveland, Ohio 44110. During the execution of the search warrant, Your Affiant saw a firearm, a Hopkins & Allen Arms, .38 caliber revolver, “Safety Police Model”, serial No. unknown (obliterated), and various ammunition, including 18 cartridges of 9 mm Winchester ammunition, in plain view within the common area of the residence (dining room).<sup>1</sup> Further, Your Affiant saw a clear plastic bag of an off-white powdery substance on top of a box of sandwich bags along with two bags containing a green, leafy substance on the living room fireplace mantle. GAINES later confirmed, after receiving his *Miranda* rights, that this substance was “ecstasy” (3,4-

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<sup>1</sup> Based on a preliminary interstate nexus analysis, Your Affiant believes that the subject Hopkins & Allen Arms, .38 caliber revolver, “Safety Police Model”, was manufactured in the State of Connecticut and the subject 9mm Winchester ammunition was originally manufactured outside of the State of Ohio. The subject Hopkins & Allen Arms, .38 caliber revolver, “Safety Police Model”, was one of the firearms reported stolen from the January 25, 2020 incident investigated by the North Royalton Police Department.

methylenedioxymethamphetamine)(“MDMA”). GAINES granted Your Affiant and other ATF agents consent to search the premises for narcotics. A jacket hanging on a closet door with various items in its pocket (a plastic bag holding multi-colored pills, and two loose rock-like substances, believed to be MDMA, along with a small digital scale), were found on the premises. In GAINES’ bedroom, ATF agents found GAINES’ license, a glass jar and plastic bag believed to be marijuana, small plastic jar of suspected marijuana seeds, and a plastic bag containing multi-colored pills which GAINES later confirmed was ecstasy. Your Affiant found an additional bag containing an off-white rock-like substance in the hallway along with another plastic bag of suspected marijuana.

12. GAINES admitted during post *Miranda* interviews to possessing the above listed firearm and ammunition. GAINES stated he was aware that he was prohibited from possessing firearms due to his prior felony convictions. GAINES further admitted that he acquired the above mentioned firearm (Hopkins & Allen Arms .38 caliber revolver) by exchanging a mixture of illegal narcotics and U.S. currency to Mayer. GAINES specifically admitted to other transactions wherein he exchanged firearms for narcotics and cash with Mayer.
13. Your Affiant is aware of the interstate nexus requirement to establish a violation of Title 18 U.S.C. § 922(g)(1).

### **CONCLUSION**

14. Based on the foregoing, Your Affiant respectfully believes and asserts John W. GAINES III did knowingly possess a firearm and/or ammunition after being convicted of a crime punishable by imprisonment for a term exceeding one year, in

violation of Title 18, United States Code, Section 922(g)(1) and possessed with the intent to distribute a controlled substance in violation of Title 21, United States Code, Section 841(a)(1).

15. The above violations were committed in the Northern District of Ohio, Eastern Division. Your Affiant requests that an arrest warrant be issued for John W. GAINES III.



Adam Lane, Special Agent  
Bureau of Alcohol, Tobacco, Firearms and  
Explosives

This affidavit was sworn to by the affiant by telephone after a PDF was transmitted by email, per Crim R. 41(d)(3), on this 11th day of February, 2020.



William H. Baughman, Jr.  
UNITED STATES MAGISTRATE JUDGE